

August 23, 2023
AD 178
Court No.14
SG

WPA 18130 of 2023

Sanat Kumar Aich
vs.
South Dum Dum Municipality and others

Mr. Sourjya Das
Mr. Rabindra Kumar Mitra
Ms. Poulami Bhowmick
... for the petitioner

Ms. Jhuma Chakraborty
Ms. Nilanjana Adhya
... for the State

Mr. N.C. Bihani
Ms. P.B. Bihani
... for the municipality

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Mr. Arijit Bhowmick
... for the respondent No.7

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to enforce a stop work order passed by the South Dum Dum Municipality on 06.06.2023 and to stop the illegal construction being carried out by the respondent No.7.

Copy of notice dated 23.08.2023 issued by the South Dum Dum Municipality, as filed on behalf of respondent Nos.1 to 5, is taken on record.

Learned advocate for the petitioner submits that the respondent No.7, the adjacent landowner, is making illegal construction in his land thereby keeping very small space between his property and the petitioner's property.

Earlier, a stop work notice had been issued by the Municipality on them. However, they have again started the illegal construction.

Learned advocate for the respondent No.7 submits that the petitioner's own building was constructed without a sanctioned plan. The stop work notice was earlier issued to the petitioner without any inspection.

Learned advocate for the municipality submits that pursuant to the complaint made by the petitioner, a notice dated 23.08.2023 has already been issued by South Dum Dum Municipality. It was also directed that an inspection would take place on 25.08.2023 at 12.30 pm.

I have heard submissions of the parties and have perused the writ petition.

Pursuant to the complaint made, South Dum Dum Municipality has already issued stop work notice and directed for inspection to be held on 25.08.2023 at 12.30 pm.

Let the petitioner and the respondent No.7 be present during inspection and they be heard by the Municipal authorities on the issue.

The Municipal authorities thereafter shall decide the issue in accordance with law and expeditiously.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

With the aforesaid observations, WPA 18130 of 2023 is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]